

DETAILED ACTION

1. This communication is in response to the correspondence received on 04/17/2011. Amendments to the claims have been entered, and have been considered below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claim 1 – 5, 7 – 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cerkendall (2003/0177025) in view of Curatolo (6,510,380).**

As per claim 1, Cerkendall discloses a method of tracking transfers of groups of animals with animal passports, the method comprising ([0003]; via a system, computer program product and method for tracking processing events for a meat animal from its conception to its consumption, by using data entry devices):

creating an animal passport to represent a transfer of a group of animals from a transferor to a transferee at a location, the group comprising at least two animals and ([0032]; discusses transferring animal data for a group of animals from one database to another and communicating information concerning the livestock);

assigning a unique passport identifier to the created animal passport, thereby providing a unique identifier for the transfer ([0020]; via it is desirable to automate the identification and data entry in order to reduce expense and to improve accuracy of the data. These devices typically produce either a unique alphanumeric code or a unique decimal code);

recording, for the created animal passport using a processor of a computer, the unique passport identifier assigned to the passport, a count of the animals in the first group ([0329] discusses the number of animals in the group), the location ([0135] discusses identification or origin and transfer location), descriptive information identifying the animals in the group ([0134] discusses information identifying animals in the group), an identification of the transferor ([0135] discusses identification or origin and transfer location), and an identification of the transferee (fig. 40 discusses identifying the entity for transfer); and

repeating the creating, assigning and the recording for each of at least one subsequent transfer of any of the animals in the first group as a subsequent group ([0132] discusses repeating steps), wherein at least one subsequent group contains different animals than the animals in the group of a next-preceding transfer and the animal passport created to represent each subsequent transfer also records the unique passport identifier assigned to the animal passport created to represent the next-preceding transfer of each of the animals in the subsequent group ([0029] discusses complete source verification and performance databases for all key livestock events).

However, Cerkendall fails to explicitly disclose, the location comprising at least one of a city and state.

Curatolo teaches a security and tracking system with the feature of the location comprising at least one of a city and state (abstract states, "identifying the location of the signaling units by referencing the global positioning satellite (GPS) system; and notifying the monitoring station of said geographic location").

From this teaching of Curatolo, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method of Cerkendall to include the geographic location, taught by Curatolo, in order to locate a missing animal or asset.

As per claim 2, Cerkendall discloses, wherein each of the animal passports is signed by the transferor and the transferee who are parties to the transfer, represented by the signed animal passport to certify the transfer ([0237] discusses data used to represent a discrete transaction against an animal. The data can be time-stamped which is construed as signing).

As per claim 3, Cerkendall discloses, wherein the recording uses a repository ([0027]; via at different stages of the production cycle, there are different databases, which exist for different business purposes. The rancher will typically maintain his own database, a stockman will have an inventory system, a feedlot will have a management database, and a packer will have its own inventory and management system), that is

maintained by a third party that is distinct from each transferor and each transferee who are parties to any of the transfers ([abstract] and [0214] discusses an alliance or national database which is a third party).

As per claim 4, Curkendall further discloses, comprising using the unique passport identifier assigned to each transfer of any selected one of the animals to track all of the locations of the selected one of the animals ([0130]; via each event can have one or more default details associated with it. For instance, the event "LOCATION" might have three different details such as PEN-1, PEN-2, and NORTH 4000, that can be used to record changes in animals' locations).

As per claim 5, Curkendall discloses, wherein a first of the animal passports is created for a first transfer following birth of the animals in the first group, and wherein repeating the creating continues for each subsequent transfer until death of the animals in a final subsequent group created animal passports thereby reflecting a complete lifetime of the animals in the final subsequent and being usable to track all transfers of the animals in the final subsequent throughout their lifetime ([0144]; via the bottom half of the screen shows all events recorded during the animal's lifetime).

As per claim 7, Curkendall discloses, wherein the transfers are transfers of ownership ([0395]; via A live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively).

As per claim 8, Curkendall discloses, wherein the transfers are transfers of possession ([0177]; via in some cases, the stocker or cow-calf operator may retain ownership of the calves at the feedlot, so that there is not a sale at that point).

As per claim 9, Curkendall discloses, wherein at least one of the transfers is a transfer of ownership and at least one of the transfers is a transfer of possession ([0395]; via changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively).

As per Claim 10, Curkendall discloses, wherein the creating, the assigning and the recording are repeated for subsequent transfers of animal products derived from the animals in the first and subsequent groups following slaughter of the animals in the first and subsequent groups ([0336]; via regimens allow the user to save a set of events that may be used repeatedly for a particular group type).

As per Claim 11, Curkendall discloses, wherein the descriptive information identifying the animal in the first and subsequent groups comprises individual animal identifications of the animals ([0011] discusses tracking individual animals).

As per claim 12, Curkendall discloses, wherein at least one additional animal is included in one or more of the subsequent groups and wherin the animal passport created for such subsequent transfers also records the unique passport identifier assigned to the animal passport created to represent the next-preceding transfer of a group in which each of the at least one additional animal was previously transferred

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([0029] discusses complete source verification and performance databases for all key livestock events).

As per claim 13, Cerkendall discloses, wherein animal passports are created for each transfer during a time of the animals and further comprising:

determining a country of origin for a selected animal using the unique passport identifier associated with each passport representing any group in which the selected animal has been transferred to determine, from the location recorded for each passport all locations in which the selected animal has been located throughout its lifetime ([0144]; via the bottom half of the screen shows all events recorded during the animal's lifetime).

As per claim 14, Cerkendall further discloses comprising:

determining, for a selected one of the animals, all locations in which the selected animal has been located throughout its lifetime, using each animal passport associated with the selected animal ([0131] discusses determining animal locations and [0144] discusses recorded events in the animal's lifetime); and

preparing a country of origin claim for the selected animal, using the determined locations, wherein the country of origin claim indicates whether the selected animal has been located only in a selected country throughout the lifetime of the animal ([0363]; via these 16 items support the current reporting needs of the IQBSN to track animal origin, genetics and production information).

As per claim 15, Curkendall discloses, constructing a chain of transfers for a selected one of the animals using each of the most-recent previous unique passport identifiers recorded on the animal passports associated with the selected animal, thereby determining all locations in which the selected animal has have been located throughout its lifetime ([0012]; via recording beginning, ending, and periodic weight measurements and treatments; and recording vaccinations, movement and ownership changes, and other significant events that have occurred in the animal's life in order to track of the success of treatments as well as to eliminate duplicate treatments); and

verifying a country of origin claim for the selected animal by comparing the determined locations to one or more locations stated in the country of origin claim ([0363]; via these 16 items support the current reporting needs of the IQBSN to track animal origin, genetics and production information).

As per claim 21, Curkendall discloses a method of providing country of origin claims, the method comprising:

completing, for every transfer of groups of animals from transferors to transferees, each group comprising at least two animals, a passport document to represent the transfer (fig. 63 depicts an electronic document with these features), wherein:

a first transfer of a first group of the animals is represented by a first passport document (fig. 40 depicts the transfer of animals);

for each subsequent transfer of any of the first group of animals, as a subsequent group, the subsequent transfer is represented by a subsequent passport document, wherein at least one subsequent group contains at least one animal different from the animals in the group of a next-preceding transfer (fig. 40 depicts the transfer for a number of animals which includes a single animal or multiple animals being a group); and

each of the passport documents has associated therewith a unique passport identifier, thereby providing a unique identifier for the transfer and further comprising:

specifying, on the passport documents, a count of the animals transferred, descriptive information for the animals transferred, and a location of the transfer (fig. 63 depicts count, and descriptive information in the event detail field);

specifying on the first passport document, the unique passport identifier associated therewith (fig. 40 depicts a transfer event);

specifying, on each subsequent passport document, the unique passport identifier associated therewith as well as the unique passport identifier associated with the next-preceding transfer of each of the animals transferred in the subsequent group (fig. 63 depicts the unique event ID); and

signing the passport document, by the transferor and the transferee, thereby certifying the transfer ([0237] discusses data used to represent a discrete transaction against an animal. The data can be time-stamped which is construed as signing);

recording, using a processor of a computer, each of the transfers in a repository maintained by a third party who is distinct from the transferors and the transferees (abstract and [0027] discusses recording by a third party which is the alliance or national databases), further comprising:

creating an entry in the repository for each of the transfers, each of the entries comprising the unique passport identifier associated with the passport document representing that transfer, the count of the animals transferred, the descriptive information for the animals transferred, the location of the transfer, and for the subsequent passport documents, each unique passport identifier specified thereon for next-preceding transfers; (fig. 63 depicts creating an entry in the database for each of the events); and

using the entries in the repository to determine, for a selected one of the animals using the processor of the computer, whether a country of origin claim can be made stating that the selected one was always physically located, from its birth to its death, in a particular country by comparing, in each of the entries that pertains to transferring the selected animal, the location to the particular country (fig. 63 and [0131] discuss entries of core events including origin).

Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant respectfully points out that "the animal passports recited in Claim 1 are not directed toward tracking transfers of a single animal. Instead the claim language explicitly recites 'creating an animal passport to represent a group of animals..., the group comprising at least two animals...',"

The Examiner would like to state that while one section of the prior art may be cited, the art as a whole is applied to the rejection. In addition, [0032] states, "Using the computer program product, the user may also: apply an individual event to a group of animals" The events of one or a group of animals can be tracked. Therefore the Examiner respectfully disagrees.

Applicant argues, "this broad and general statement of Cerkendall does not disclose assigning a unique passport identifier to a passport that represents the transfer of a group of animals, particularly in view of the "repeating" claim element which specifies repeating the "assigning" claim element for subsequent transfers of animals in groups that are not always the same animals."

However, [0012] also discusses recording ownership changes which are construed as transfers.

Also, [0029] states, "An object of the present invention is to provide complete source verification and performance databases for all key livestock events." The verification is performed for all key livestock events which is construed as repeating. Therefore, the Examiner respectfully disagrees.

Applicant respectfully submits that the cited text from para. [0329] as well as step 4900 of Fig. 40 pertains to transferring data for a group of animals ("animal data", "animal records"), not the animals themselves. Applicant also respectfully submits that paras. [0134] - [0135] are discussing a single transfer of a group of animals.

However, as stated above, there are other sections of the prior art which discuss the transfer of a group of animals such as [0238]. In addition, fig. 40 depicts the transfer of an actual animal. Therefore, the Examiner respectfully disagrees.

The Office Action cites paras. [0132] and [0029] of Currkendall with reference to the "repeating..." claim element. Office Action, page 4, lines 15 - 20. The Office Action states that para. [0132] "discusses repeating steps" and para. [0029] "discusses complete source verification and performance databases for all key livestock events." Claim 1 does not merely recite "repeating", but recites repeating particular claim elements, each of which recites a number of specific details, and thus the mere mention in para. [0132] of "repetitive events" is deemed insufficient to disclose the particular recitations of Claim 1 when considering all the words recited therein.

However, "repeating" steps of claim 1 state, "repeating the creating, the assigning and the recording for each of the at least one subsequent transfer of the animals..." [0029] discusses providing complete source verification and performance

databases for all key livestock events. This is construed as repeating each of the creating, assigning and recording for all livestock events.

Therefore, the Examiner respectfully disagrees.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUSEYE IWARERE whose telephone number is (571)270-5112. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW S. GART can be reached on (571) 272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OLUSEYE IWARERE/
Examiner, Art Unit 3687

/Matthew S Gart/
Supervisory Patent Examiner, Art Unit 3687